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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,022	01/19/2001	Jamshid Eftekhari	NC33311	7835

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EXAMINER

NGUYEN, JENNIFER T

ART UNIT PAPER NUMBER

2674

DATE MAILED: 04/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

T.

Office Action Summary

Application No.

09/766,022

Applicant(s)

EFTEKHARI, JAMSHID

Examiner

Jennifer T Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smethers (U.S. Patent No. 6,463,304) in view of Morgenthaler (U.S. Patent No. 6,310,609).

Regarding claims 1, 10 and 17, referring to Fig. 3, Smether teaches a method in a device (300) having a plurality of character-entry pressure points (i.e., keys) for selecting a function in a makup language file comprising the steps of: reading the makup language file; detecting a reference to a character encoding having a corresponding function; detecting a entry by the character-entry pressure point; and triggering the function (col. 3, lines 22-35, lines 60-67, col. 5, lines 19-46 and col.7, lines 3-34).

Smethers differs from claims 1, 10, and 17 in that he does not specifically teach illuminating at least one character-entry pressure point having a character encoding. However, referring to Figs. 4 and 5, Morgenthaler discloses illuminating at least one character-entry pressure point having a character encoding (abstract, col. 9, lines 32-41, lines 47-61). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the illuminating at least one character-entry pressure point having a character encoding as taught by Morgenthaler in the system of Smethers in order to allow highlight the

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portions of a display, easily select the functions by inputting specific illuminating associated with the function and to improve the performance.

Regarding claims 2 and 18, the combination of Smethers and Morgenthaler teaches illuminating the at least one character-entry pressure point comprises a step of illuminating less than the plurality of character-entry pressure points (col. 5, lines 35-40 of Morgenthaler).

Regarding claims 3 and 19, the combination of Smethers and Morgenthaler teaches the device (300) has displayed a number of references and the step of illuminating the at least one character-entry pressure point comprises a step of illuminating the number of character-entry pressure points (col. 6, lines 33-67 of Morgenthaler).

Regarding claims 4, 5, 20 and 21, the combination of Smethers and Morgenthaler teaches detecting an entry by the character-entry pressure point comprises the step of detecting a key-press and a key-release (col. 6, lines 20-23 of Morgenthaler).

Regarding claims 6 and 22, the combination of Smethers and Morgenthaler differs from claims 6 and 22 in that it does not specifically teach detecting an entry by the character-entry pressure point comprises the step of detecting a long-duration key press. However, it would have been obvious to obtain detecting an entry by the character-entry pressure point comprises the step of detecting a long-duration key press in order to provide a certain amount of time to select a key.

Regarding claims 7, 8, 23 and 24, the combination of Smethers and Morgenthaler teaches triggering a function comprises a step of displaying a card and reading a deck (i.e. navigational functions) (col. 4, lines 39-40 and col. 6, lines 19-30 of Smethers).

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Regarding claims 9 and 25, the combination of Smethers and Morgenthaler differs from claims 9 and 25 in that it does not specifically teaches triggering a function further comprises a step of moving a cursor. However, move the cursor, may by means known in the art (Specification page 10, lines 14-15). Therefore it would have been obvious to obtain the move cursor in the system of Morgenthaler and Smethers in order to specify the position on the display responsive to a key press.

Regarding claim 11, the combination of Smethers and Morgenthaler teaches illuminating a light emitting diode (LED) near the character-entry pressure point (col. 3, lines 60-64 of Morgenthaler).

Regarding claims 12 and 13, the combination of Smethers and Morgenthaler teaches detecting comprises sensing a long duration circuit closure (col. 8, lines 44-54 of Morgenthaler).

Regarding claim 14, the combination of Smethers and Morgenthaler teaches detecting comprises sensing a circuit opening (col. 8, lines 44-54 of Morgenthaler).

Regarding claim 15, the combination of Smethers and Morgenthaler teaches displaying a portion of a markup language card (col. 4, lines 39-40 and col. 6, lines 19-30 of Smethers).

Regarding claim 16, the combination of Smethers and Morgenthaler teaches triggering comprises a step of reading a second markup language file (from col. 7, line 55 to col. 8, line 5 of Smethers).

Response to Arguments

3. Applicant's arguments filed 1/22/2003 have been fully considered but they are not persuasive because Applicant only argued about the deficient limitations of Smether's reference but did not mention anything about make up limitations of Morgenthaler's reference. Moreover, Smether teaches the method and apparatus for facilitating access (by selecting and pressing the keys) to a plurality of applications resident (i.e. browser, hyper link, HTML) on a communication device, on the similar matter, Morgenthaler teaches how to use the different color light source for the function keys to activate (by selecting and pressing the keys) a desired operation to be perform on a communication device. The combination will provide a method of highlighting the portions of a display, easily select the functions by inputting specific illuminating associated with the function and to improve the performance.
4. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**. The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to: 703-872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose
telephone number is 703-306-0377.

Jennifer T. Nguyen
Patent Examiner
Art Unit 2674



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600